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November 2, 2007

### **BY E-FILE**

The Honorable Joseph J. Farnan, Jr.  
United States District Court, District of Delaware  
844 North King Street  
Wilmington, DE 19801

Re: *NICE Systems, Inc. and NICE Systems, Ltd. v. Witness Systems, Inc.*  
C.A. No. 06-311 (JJF)

Dear Judge Farnan:

I write on behalf of my clients, plaintiffs NICE Systems, Inc. and NICE Systems, Ltd. (collectively "NICE"), to advise that, in an effort to streamline this action scheduled for trial beginning January 14, 2008, my clients have determined to further narrow the number of claims at issue in the manner described more specifically below. As a result, no construction of claims contained therein is required. NICE is narrowing the claims in advance of the date required in the August 14, 2007 Stipulated Order Amending Scheduling Order (D.I. 221, ¶ 1a), and will make every effort to further narrow the claims at issue ahead of the timetable provided in that Order.

Specifically, Nice has determined to withdraw 17 additional claims:

1. '738 Patent: claim 1 which results in dropping the entire patent (1 claim)
2. '371 Patent: claim 5 (1 claim)
3. '005 Patent: claims 4 and 13 (2 claims)
4. '345 Patent: claims 15, 22, 42 (3 claims)
5. '372 Patent: claim 44 (1 claim)

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6. '370 Patent: claim 5 (1 claim)
7. '920 Patent: claim 6 (1 claim)
8. '079 Patent : claims 1 and 3 which results in dropping the entire patent (2 claims)
9. '109 Patent: claims 15, 16, 18, 22, 29 (5 claims)

The following 27 claims, 13 of which are independent and 14 of which are dependent, remain for trial:

1. '371 Patent: claims 1, 8 (2 claims)
2. '005 Patent: claims 1, 11 (2 claims)
3. '570 Patent: claims 6, 7 ( 2 claims)
4. '345 Patent: claims 14, 40, 41, 48 (4 claims)
5. '372 Patent: claims 1, 6, 14, 15, 19, 33 (6 claims)
6. '370 Patent: claims 1, 9, 27 (3 claims)
7. '920 Patent: claims 1, 3, 16, 18, 21 (5 claims)
8. '109 Patent: claims 1, 3, 6 (3 claims)

A form of order formalizing that NICE has withdrawn these claims is being filed contemporaneously with this letter.

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Obviously, counsel are available at the call of the Court should Your Honor have any questions about the foregoing.

Respectfully,

*/s/ Melanie K. Sharp*

Melanie K. Sharp (No. 2501)

MKS

cc: Clerk of the Court (by Hand Delivery)  
William J. Marsden Jr., Esquire (by Hand Delivery)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NICE SYSTEMS, INC., a Delaware Corporation, and )  
NICE SYSTEMS, LTD., an Israeli Corporation, )  
 )  
Plaintiffs, )  
v. ) Civil Action No. 06-311-JJF  
 )  
WITNESS SYSTEMS, INC., a Delaware Corporation, )  
 )  
Defendant. )

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2007, Plaintiffs NICE Systems, Inc.  
and NICE Systems, LTD (collectively "NICE") having voluntarily withdrawn 17 additional  
claims:

IT IS HEREBY ORDERED that the following 17 claims are withdrawn:

1. '738 Patent: claim 1 which results in dropping the entire patent (1 claim)
2. '371 Patent: claim 5 (1 claim)
3. '005 Patent: claims 4 and 13 (2 claims)
4. '345 Patent: claims 15, 22, 42 (3 claims)
5. '372 Patent: claim 44 (1 claim)
6. '370 Patent: claim 5 (1 claim)
7. '920 Patent: claim 6 (1 claim)
8. '079 Patent : claims 1 and 3 which results in dropping the entire patent (2 claims)
9. '109 Patent: claims 15, 16, 18, 22, 29 (5 claims)

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United States District Judge